
HOUSE BILL No. 1113

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-1-9; IC 35-50-5-5.

Synopsis: Reimbursement of incarceration expenses. Provides that a court may require an inmate sentenced to the department of correction to pay certain incarceration costs.

Effective: July 1, 2010.

Barnes

January 5, 2010, read first time and referred to Committee on Ways and Means.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1113

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-1-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. **(a) As used in this**
3 **section, "net worth" means the excess of total assets over total**
4 **liabilities.**

5 ~~(a)~~ **(b)** As used in this chapter, "recommendation" and "victim" have
6 the meanings set out in IC 35-35-3-1.

7 ~~(b)~~ **(c)** The presentence investigation consists of the gathering of
8 information with respect to:

9 (1) the circumstances attending the commission of the offense;

10 (2) the convicted person's history of delinquency or criminality,
11 social history, employment history, family situation, economic
12 status, education, and personal habits; ~~and~~

13 (3) the impact of the crime upon the victim; **and**

14 **(4) the convicted person's financial situation, including the**
15 **convicted person's net worth.**

16 ~~(c)~~ **(d)** The presentence investigation may include any matter that
17 the probation officer conducting the investigation believes is relevant



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to the question of sentence and must include:

- (1) any matters the court directs to be included;
- (2) any written statements submitted to the prosecuting attorney by a victim under IC 35-35-3;
- (3) any written statements submitted to the probation officer by a victim; and
- (4) preparation of the victim impact statement required under section 8.5 of this chapter.

~~(d)~~ **(e)** If there are no written statements submitted to the probation officer, ~~he the officer~~ shall certify to the court:

- (1) that ~~he the officer~~ has attempted to contact the victim; and
- (2) that if ~~he the officer~~ has contacted the victim ~~he the officer~~ has offered to accept the written statements of the victim or to reduce ~~his the victim's~~ oral statements to writing, concerning the sentence, including the acceptance of any recommendation.

~~(e)~~ **(f)** A presentence investigation report prepared by a probation officer must include the information and comply with any other requirements established in the rules adopted under IC 11-13-1-8.

SECTION 2. IC 35-50-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 5. (a) As used in this section, "net worth" means the excess of total assets over total liabilities.**

(b) This section applies only to a person:

- (1) who is sentenced for a felony or a misdemeanor;
- (2) who has been ordered to serve a sentence in the department of correction; and
- (3) whose net worth is more than forty thousand dollars (\$40,000).

(c) At the time the court imposes a sentence, the court shall order the person to execute a reimbursement plan as directed by the court and make repayments under the plan to the department of correction.

(d) The reimbursement plan must reference the total costs of incarceration as stated in the sentencing order under IC 35-38-1-5.

(e) The court shall use the following schedule to determine the percentage of the total costs of incarceration for which the person is liable:

- (1) A person whose net worth is more than two hundred thousand dollars (\$200,000) is responsible for one hundred percent (100%) of the person's incarceration expenses.
- (2) A person whose net worth is more than one hundred sixty thousand dollars (\$160,000) but not more than two hundred

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thousand dollars (\$200,000) is responsible for eighty percent (80%) of the person's incarceration expenses.

(3) A person whose net worth is more than one hundred twenty thousand dollars (\$120,000) but not more than one hundred sixty thousand dollars (\$160,000) is responsible for sixty percent (60%) of the person's incarceration expenses.

(4) A person whose net worth is more than eighty thousand dollars (\$80,000) but not more than one hundred twenty thousand dollars (\$120,000) is responsible for forty percent (40%) of the person's incarceration expenses.

(5) A person whose net worth is more than forty thousand dollars (\$40,000) but not more than eighty thousand dollars (\$80,000) is responsible for twenty percent (20%) of the person's incarceration expenses.

(f) If a person liable under this section defaults on any reimbursement liabilities, the person is responsible for any costs related to the collection of any outstanding reimbursement expenses.

(g) An order under this section is not discharged:

(1) by the completion of a sentence imposed for a felony or misdemeanor; or

(2) by the liquidation of a person's estate by a receiver under IC 32-30-5.

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